

To: Hoppe, Michael[Hoppe.Michael@epa.gov]; LaPoma, Jennifer[LaPoma.Jennifer@epa.gov]
Cc: Vaughn, Stephanie[Vaughn.Stephanie@epa.gov]
From: Stan Kaczmarek
Sent: Wed 3/19/2014 8:51:50 PM
Subject: Fwd: RE: Expiring Dredging License~RE: Tidelands Case 0232-05-0001.4

Mike and Jennifer, as discussed earlier today, here is a summary of our interactions with NJDEP regarding the Tidelands license issued for the RM 10.9 Removal Action. Please call me if you have any questions.

Stan
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>>> "Castagna, Richard" <Richard.Castagna@dep.state.nj.us> 3/17/2014 10:56 AM >>>

Stan,

As we discussed in our telephone conversation this morning an extension of the no fee dredging license is not required. I understand the dredging work was completed last October. The protective capping, that may not be completed until after May 1st, 2014, will not require an extension of this license.

Rich Castagna

Richard Castagna, M.S.

Supervisor, Technical Analysis Section

Bureau of Tidelands Management

Division of Land Use Regulation

P.O. Box 420

Trenton, NJ 08625-0420

Tel. # 609-292-2573

Fax. # 609-777-3656

From: Stan Kaczmarek [mailto:StanK@demaximis.com]
Sent: Monday, March 17, 2014 10:39 AM
To: Castagna, Richard
Subject: RE: Expiring Dredging License~RE: Tidelands Case 0232-05-0001.4

Rich, the protective cap may be finished after May 1. Can you revise your statement to acknowledge that?

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>>> "Castagna, Richard" <Richard.Castagna@dep.state.nj.us> 3/17/2014 10:35 AM >>>

Stan,

As we discussed in our telephone conversation this morning an extension of the no fee dredging license is not required. I understand the dredging work was completed last October. The protective capping that will be completed by May 1st, 2014 will not require an extension of this license.

Rich Castagna

Richard Castagna, M.S.

Supervisor, Technical Analysis Section

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From: Stan Kaczmarek [<mailto:StanK@demaximis.com>]

Sent: Monday, March 17, 2014 10:28 AM

To: Castagna, Richard

Cc: Gary.Foster@CH2M.com; George.Hicks@CH2M.com; John Rolfe; Willard Potter; Robert Law; Cuccia, Michael

Subject: Expiring Dredging License~RE: Tidelands Case 0232-05-0001.4

Rich, thank you for your call this morning. As we discussed, the Cooperating Parties Group (CPG) which is conducting the River Mile 10.9 Removal Action on the Lower Passaic River, requests written confirmation of the direction you provided this morning... that no extension is required for the Dredging License issued by the Tidelands Commission (Case 0232-05-0001.4), even if the protective cap that is currently being placed is not completed until after May 1, 2014. We acknowledge that the dredging component of this project was completed in October 2013.

Stan

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>>> Stan Kaczmarek 3/11/2014 9:07 PM >>>

Michael and Richard,

All dredging on this project was completed in early October 2013. The placement of the protective layer (sand and activated carbon) was completed in early December 2013. What is remaining is completion of the armoring layer on top of the active layer (geo-textile and stone placed to protect the active layer from

erosion). Following that, we will complete our work by placing sand on the armoring stone to promote habitat restoration. Current projections have those tasks finishing in May 2014.

We realize that Tidelands issued a "Dredging License" but the question was whether it applies to the remainder of our activities, all of which were described in our Tidelands license application, and if so, if a simple extension of the current license can be granted.

Please call me on my cell phone so we can discuss further.

Thanks.

Stan Kaczmarek, PE

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>>> "Cuccia, Michael" <Michael.Cuccia@dep.state.nj.us> 3/11/2014 7:14 PM >>>

This is in reply to your voicemail message & e-mail re: the possible need to dredge beyond the 5/1/14 expiration date of the subject license. You may already be aware that the assigned Tidelands case manager, William Gunner is now retired. In answer to your question, the usual procedure would be to submit a license application to the Bureau Of Tidelands Management requesting a new license to dredge during the currently expected time-frame to complete this project. If you wish, you can begin that submittal process ASAP. If appropriate, you may wish to request a longer time period for a new license allowing for any additional unforeseen circumstances. It is not clear if any material has been dredged to date.

Typical dredging licenses only allow a specified volume of material to be dredged during the specified time frame at the listed fee. If the dredging was not done during the license term, typically there is not a credit of fees paid. This license was issued listing \$0 license fee (just a \$100 processing fee was charged). Processing fees are required before any Tidelands document (license, etc) is issued. Also, based on Mr. Gunner's 5/1/13 Tidelands Resource Council meeting summary of this project, it involves removal of contaminated sediment. He

stated that this was first approved by the Council at their 8/3/11 meeting. It is not clear what State dredging permit/approval (Waterfront Development, etc) was issued for this project and any time restrictions it may include. However, I only have access to our NJEMS file tracking & billing system, not the actual dredging license folder.

Therefore, as outlined herein, since this is Not a typical dredging license project, you may wish to confer with the Bureau Of Tidelands supervisor of case manager's, Richard Castagna before proceeding as I have suggested: Richard.Castagna@dep.state.nj.us 609-292-2573

In particular, you may wish to ask him if this license would again need to be heard by the Tidelands Resource Council or instead, can be deferred to processing by Bureau staff. Also, any questions I have raised herein should be addressed in your submittal to ease the review of the next assigned case manager.

Feel free to contact me if you have any other Tidelands related questions:

Michael Cuccia

NJDEP, Division of Land Use Regulation

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From: Stan Kaczmarek [<mailto:StanK@demaximis.com>]

Sent: Tuesday, March 11, 2014 2:08 PM

To: Cuccia, Michael

Subject: Tidelands Case 0232-05-0001.4

Mike,

I left a voice message for you this morning. I am Project Coordinator the Lower Passaic River RM 10.9 Removal Action, a dredge and cap activity covered by Tidelands License 0232-05-0001.4 TDI 130001. Bill Gunner previously guided our application through the Tideland Council. The license that was granted to us last year now expires May 1, 2014. Because of the extreme winter weather and other technical difficulties, our project is taking longer to complete than previously anticipated such that it is now likely to extend into May. Please advise how to get an extension of that license so that this work can be completed.

Thank you.

Stan

Stan Kaczmarek, PE

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